

SN. 10/803,536

ATTORNEY DOCKET NO. MLPO:003

REMARKS

Claims 1-14 are now pending in this application for which applicants seek reconsideration.

Amendment

Claims 1-12 have been amended to improve their form and readability. Independent claims 1 and 12 further have been amended to define an inclined state sensor located in front or forwardly of a front axle of a vehicle. See original claims 7 and 11. New claims 13 and 14 directed to a vehicle have been added. No new matter has been introduced.

Art Rejection

Claims 1-4 and 12 were rejected under 35 U.S.C. § 102(e) as anticipated by Toda (USP 6,693,380), and claim 11 was rejected under 35 U.S.C. § 103(as) as unpatentable over Toda. Claims 5-7 and 10 were rejected under § 103(a) as unpatentable over Toda in view of Okuchi (USP 5,877,680). Finally, claims 8 and 9 were rejected under § 103(a) as unpatentable over Toda in view of Okuchi and Stam (USPGP 2003/0138132).

Independent claims 1, 12, and 13 each call for an inclined state sensor exclusively adapted for mounting or mounted to the vehicle in front or forwardly of a front axle of the vehicle. While Toda discloses a height sensor 14 for calculating the vehicle pitch, Toda does not disclose or teach exclusively locating the height sensor in front or forwardly of the vehicle front axle. Accordingly, applicants submit that independent claims 1, 12, and 13 distinguish over Toda within the meaning of § 102.

Okuchi discloses pitch sensors 11F and 12R for detecting the pitch of the vehicle. Although the front pitch sensor 11F is located in front or forwardly of the vehicle front axle, Okuchi requires both the front and rear pitch sensors to calculate the pitch of the vehicle. As the rear sensor is located rearwardly of the front axle, Okuchi also would not have disclosed or taught an inclined state sensor exclusively adapted for mounting or mount to the vehicle in front or forwardly of the front axle. Moreover, as Stam would not have alleviated the shortcomings of Toda, applicants submit that the applied references would not have taught independent claims 1, 12, and 13.

Moreover, in contrast to the examiner's understanding, none of the applied references would have disclosed or taught the subject matter set forth in claims 4-6, 8, and 9.

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Conclusion

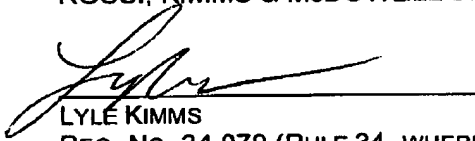
Applicants submit that claims 1-14 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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13 DECEMBER 2005

DATE



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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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